

DEBEVOISE & PLIMPTON LLP
919 THIRD AVENUE
NEW YORK, NY 10022
(212) 909-6000

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004
(212) 425-7200

1500 K STREET, NW
WASHINGTON, DC 20005
(202) 220-4200

August 21, 2015

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Highline Capital Management, LLC v. High Line Venture Partners, L.P. et al., 15 Civ. 660 (VEC)

Dear Judge Caproni:

We write this joint letter on behalf of Plaintiff and Counterclaim Defendant Highline Capital Management, LLC (“Plaintiff”) and Defendants and Counterclaim Plaintiffs High Line Venture Partners, L.P., High Line Venture Partners II, L.P., High Line Venture Partners GP, LLC, High Line Venture Partners GP II, LLC and Shana Fisher (together, “Defendants”, and with Plaintiff, the “Parties”) pursuant to the Civil Case Management Plan and Scheduling Order entered on March 6, 2015 (Dkt. #25), as amended on July 20, 2015 (Dkt. #64), to provide the Court with an update on the status of the case.

I. Existing Deadlines

September 4, 2015	Pre-Trial Conference
September 8, 2015	Exchange Expert Reports
October 5, 2015	Exchange Expert Rebuttal Reports
October 27, 2015	Close of Expert Discovery

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November 6, 2015	Exchange Trial Exhibits
November 13, 2015	Exchange Objections to Exhibits; File Motions in Limine; Exchange Deposition Designations; Findings of Fact, Conclusions of Law, Optional Pre-Trial Memo
November 23, 2015	File Opposition to Motions in Limine; Exchange Objections to Deposition Designations; File Joint Pre-Trial Order
December 1, 2015	Final Pre-Trial Conference
December 7, 2015	Trial

II. Status of Discovery

Fact discovery has closed with the exception of one deposition of a third party witness that, for the convenience of the witness and upon agreement of the parties, has been scheduled for August 26, 2015.

III. Outstanding Motions

Plaintiff's Motion to Dismiss Defendants' Amended Counterclaims (Dkt. #48), filed on May 22, 2015, is pending before the Court. The motion is fully briefed: Defendants filed their Memorandum of Law in Opposition on June 15, 2015 (Dkt. #54) and Plaintiff filed its Reply on June 29, 2015 (Dkt. #58). The Parties have not requested oral argument.

IV. Settlement Prospects

The Parties have engaged in settlement discussions through their counsel but have been unable yet to reach agreement. Although the Parties previously conducted a mediation before Magistrate Judge Francis on April 2, 2015, now that fact discovery is concluded, the Parties agree that this would be a good opportunity to conduct a further mediation. In recent weeks, the Parties have been exploring new options for settlement and a mediator may be able to assist the parties in reaching agreement. The parties will work together to arrange a private mediation in the coming months.

V. Anticipated Motions

Defendants propose filing a motion for summary judgment that they are not offering any services and therefore are not engaging in any actionable conduct under the claims raised by Plaintiff in this action. Defendants believe concise briefing on this narrow issue could be dispositive of all of Plaintiff's claims in this action. Plaintiff disputes Defendants' position on this issue and believes the motion will be a waste of judicial resources because the facts demonstrate that Defendants do provide

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services in the same space as Plaintiff and have discussed expanding those services in the future. The parties are prepared to address this further by letter and/or during the conference, at the Court's preference.

VI. Trial

The Parties are on track for the December 7, 2015 trial. The case will not be tried before a jury. If a trial is required, it is anticipated to last 3-5 days, depending on how the Court rules on the pending motion to dismiss.

* * *

We look forward to discussing these issues with Your Honor at the status conference on September 4, 2015.

Respectfully submitted,

/s/ Matthew E. Fishbein
Matthew E. Fishbein

/s/ Edward T. Colbert
Edward T. Colbert

cc: All Parties (via ECF)